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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/811,648	03/05/1997	DAN KIKINIS	P1523CIP	1380

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EXAMINER
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VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/811,648

Applicant(s)

KIKINIS, DAN

Examiner

William C. Vaughn, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7-9 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Action is in regards to the Response received on 24 August 2005.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-4, 7-9 and 14-17 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1-4, 7-9 and 14-17** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Utilizing claim 1 as exemplary of the problems in claims 1 and 7. Claim 1 recites a "bridge adapter unit ... having an inlet port." The Examiner finds no description indicating that micro-PBX 301 (the bridge adapter unit of claim 1) has the specific structure of an inlet port. Claim 1 recites "a telephone wiring structure ... connected at a single point to an outlet port of the bridge adapter unit." The Examiner finds no description indicating that micro-PBX 301 (the bridge adapter unit of claim 1) has the specific structure of an outlet port. Further, the Examiner finds no description indicating that the telephone wiring structure is connected at a single point. Claim 1 recites, "the bridge adapter unit drives the telephone wiring structure."

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The Examiner finds no description indicating that the micro-PBX 301 performs the specific function of “driving” the telephone wiring structure. Claim 1 recites, “the bridge adapter unit... translates all received public network protocol signals, regardless of protocol.” Although the disclosure teaches that the micro-PBX 301 performs translation, the Examiner finds no description indicating that the micro-PBX performs the function of translating in such a universal manner. Applicant only teaches that an individual signal or protocol that is received is converted to the required protocol (i.e., see Applicant’s specification on page 10, 2<sup>nd</sup> paragraph, ATM signal to a TCP/IP protocol). The claim language finds no support within the specification for such a claim limitations. It would cause undue experimentation to one of ordinary skill in the networking art at the time invention was made to determine how to translation all received public network protocol signals, regardless of protocol to the single LAN protocol. Applicant also claims “the bridge adapter unit ... modulates the signals in a manner to correct signal variations at the end points due to having multiple end points driven from a single point at the bridge adapter unit.” The Examiner has attempted to located the specific descriptions indicating this how this functionality is performed by any component within Applicant’s specification. The Examiner has been unable to locate these specific teachings.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art

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to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-4, 7-9 and 14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman, U.S. Patent No. 5,844,596 in view of Chau et al. (Chau), U.S. Patent No. 5,764,750 and in further view of Eames et al. (Eames), U.S. Patent No. 6,317,884.

7. Regarding **claim 1**, Goodman discloses the invention substantially as claimed. Goodman discloses *a networking system for a home or business site* [see Goodman, Abstract, Col. 3, lines 1-56], *comprising: a bridge adapter unit at the home or business site* [see Goodman, item 400] *having an inlet port for receiving signals* [see Goodman, Col. 8, lines 9-10]; *and a telephone wiring structure in the site, the wiring structure having multiple end points and one or more junctions* [see Goodman, Col. 8, lines 1-25]. Even though, Goodman does disclose a system that allows for distribution of other signals to a local network of an active telephone line and that the signals that are received are in the form of a local area network protocol. However, Goodman does not explicitly disclose the specifics of a bridge adapter unit receiving public network protocol signals and that the bridge adapter unit drives telephone wiring structure according to a local area network (LAN) protocol, translates all received public network protocol signals, regardless of protocol, to the single LAN protocol and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points drive from a single point at the bridge adapter unit.

8. In the same field of endeavor, Chau discloses (e.g., communicating between diverse communications environment). Chau discloses *a bridge adapter unit receiving public network protocol signals and the bridge adapter unit driving the telephone wiring structure according to a local area network (LAN) protocol, translates all received public network protocol signals,*

*regardless of protocol, to the single LAN protocol* (Chau teaches a subsystem 11 may be substantially any desired communications arrangement. For example, it may be another telephony subsystem, like subsystem 12. Preferably, however, subsystem 11 is a connections-rich subsystem, such as a data or a multi-media communications subsystem. Subsystem 11 illustratively comprises a switching node 33, for example a local area network (LAN) server, a broadband multi-media switching hub, or an asynchronous transfer mode (ATM) packet switch, that provides data or multi-media communications services to a plurality of endpoints such as user workstations 37-39. Switching node 33 includes a node processor 34 that executes switching-node control programs out of node memory 35 and controls one or more switching fabrics 36 (e.g., LAN, crosspoint switch, etc.) that provide communications connections between workstations 37-39 as well as other endpoints. For purposes of this discussion, the principal function performed by node processor 34 is that of a name-server or router: it converts connection requests (received from workstations 37-39) that are expressed in terms of originating and terminating endpoint names and/or addresses into corresponding connections (with the aid of PBX 13, as will be made clear below), [see Chau, Figure1, item 40, abstract, Col. 1, lines 60-67, Col. 2, lines 1-27]

9. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Chau's teachings of communicating between diverse communications environment with the teachings of Goodman, because of the need to solve the problem of telecommunications systems that have different protocols requiring having different capabilities of their endpoints [see Chau, Col. 1, lines 37-45]. Goodman would have been motivated to do so, since he states that the invention further adds to techniques for

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distribution of signals to a local area network of active telephone wiring [see Goodman, Col. 1, lines 55-67].

10. In the same field of endeavor, Eames discloses (i.e., video, data and telephony gateway). Eames discloses *and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points driven from a single point at the bridge adapter unit* [see Eames, Col. 1, lines 48-56].

11. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Eames' teachings of a video, data and telephony gateway with the teachings of Goodman-Chau, for the purpose of having a centralized unit in the home which can provide video, data, and telephony services, and methods for communicating with the centralized unit from different locations within the home [see Eames, Col. 1, lines 36-46]. By this rationale **claim 1** is rejected.

12. Regarding **claim 2**, Goodman-Chau and Eames further discloses *one or more converters* [see Goodman, item 452] *connected at individual ones of the end points, the one or more converters comprising each an outlet port to connect to a single-media or a multimedia device, the converters converting the LAN signals to a form required by the single-media or multi-media device* (Goodman teaches converters that convert signals from voice-band and transmits them through filters to local network where they communicate with the telephone device), [see Goodman, Col. 4, lines 60-67, Col. 5, lines 1-15, Col. 11, lines 65-67, Col. 12, lines 1-8 and Col. 54, lines 56-67]. By this rationale **claim 2** is rejected.

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13. Regarding **claim 3**, Goodman-Chau and Eames further discloses *one or more single-media or multi-media devices connected to one or more of the converters* [see Goodman, Figures 1a, items 404a-b, items 419a, 494b-c]. By this rationale **claim 3** is rejected.

14. Regarding **claim 4**, Goodman-Chau and Eames further discloses *wherein the single-media and multi-media electronic devices include one or more of telephones* [see Goodman, item 414a] *personal computers* [see Goodman, item 495c] *fax machines* [see Foley, Col. 5, lines 43-49] *and televisions running through set top boxes* [see Goodman, Figure 15, Col. 9, lines 47-54]. By this rationale **claim 4** is rejected.

15. **Claims 7-9**, list all the same elements of **claims 1-4**, but in method form rather system form. Therefore, the supporting rationale of the rejection to **claims 1-4** applies equally as well to **claims 7-9**.

16. Regarding **claims 14 and 17**, Goodman-Chau and Eames further discloses *wherein individual ones of the converters are internal modules of individual ones of the single-media or multimedia devices* [see Goodman, Col. 15, lines 16-60]. By this rationale **claims 14 and 17** are rejected.

17. Regarding **claims 15 and 16**, Goodman-Chau and Eames further discloses *wherein individual ones of the converters are integrated into individual ones of the single-media or multi-media devices* [The Examiner takes Official Notice (see MPEP 2144.03)]. By this rationale **claims 15 and 16** are rejected.



***Response to Arguments***

18. Applicant's arguments filed on 24 August 2005 have been carefully considered but they are not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address applicants' main points of contention. Applicant's arguments include:

A. Applicant argues that there is ample description in specific examples with regards to translations.

B. Applicant requested that specific teachings be recite from Goodman and Chau to support how those teachings read upon the limitations of claims 1 and 7.

19. As to "Point A", it is the examiner's position as also stated by Board of Patent Appeals and Interferences that we find no description within the specification indicating that bridge adapter/ micro PBX translates in such a universal manner. Thus it is the position of the Examiner that the 35 USC 112 1<sup>st</sup> paragraph rejection is proper.

20. As to "Point B", it is the position of the Examiner that there does lay support within Goodman-Chau to reject the claims. These teachings were cited in the previous office action. Chau discloses translation (converting) of signals [see Chau, Col. 1, lines 60-67, Col. 2, lines 1-27]. Eames also discloses modulating signals [see Eames, Col. 1, lines 48-56].

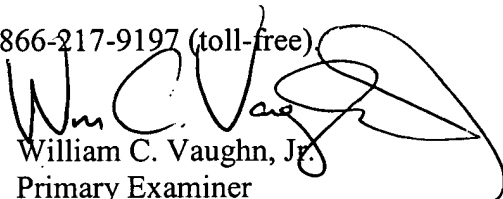
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (571) 272-3922. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
William C. Vaughn, Jr.  
Primary Examiner  
Art Unit 2143  
11 November 2005

WCV